

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

E-FILING

SAN JOSE DIVISION

FILED  
JUN -4 P 1:40  
RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

THE UNITED STATES OF AMERICA

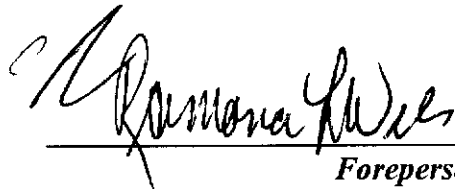
vs.

JAVIER ESPINOZA

INDICTMENT

COUNT ONE: 8 U.S.C. Section 1326 - Illegal Re-Entry Following Deportation


A true bill.

  
Foreperson

Filed in open court this 4 day of June

A.D. 2008

  
UNITED STATES MAGISTRATE JUDGE

  
Bail. \$ No Bail Warrant.  
RS

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL DIVISION

VENUE: SAN JOSE

2008 JUN -4 P 1:40

UNITED STATES OF AMERICA

V.

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

E-FILED

DEFENDANT.

INDICTMENT

CR - 08 00375

JW

HRL

A true bill.

*Ramona D. Wells*

Foreman

Filed in open court this 4 day of June  
2008

Clerk

Bail, \$ \_\_\_\_\_

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

**FILED**

2008 JUN -4 P 1:40

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

**E-FILING**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER ESPINOZA,

Defendant.

**CR -08 00375**

**VIOLATION:** 8 U.S.C. § 1326 –  
Illegal Re-Entry Following Deportation

SAN JOSE VENUE

**JW**

**HRL**

INDICTMENT

The Grand Jury charges:

On or about November 27, 2007, the defendant

JAVIER ESPINOZA,

an alien, previously having been arrested and deported from the United States on or about  
January 8, 2007 was found in the Northern District of California, the Attorney General of the  
United States and the Secretary for Homeland Security not having expressly consented to a

//

//

//

INDICTMENT

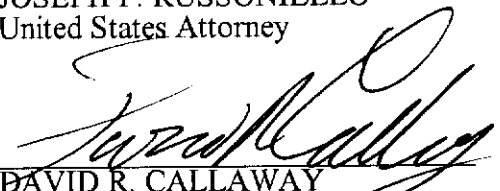
re-application by the defendant for admission into the United States, in violation of Title 8, United States Code, Section 1326.

DATED: 6/4/08

A TRUE BILL.

  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
DAVID R. CALLAWAY  
Deputy Chief, San Jose Branch Office

(Approved as to form:   
AUSA JEFFREY B. SCHENK)

INDICTMENT

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

 COUNT ONE: 8 U.S.C. § 1326 - Illegal  
 Re-Entry Following Deportation

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

E-FILING

## PENALTY:

 20 years imprisonment  
 \$250,000 fine  
 3 years supervised release  
 \$100 special assessment

## PROCEEDING

 Name of Complainant Agency, or Person (& Title, if any)  
 S/A TIMOTHY F. PURDY - ICE

☐ person is awaiting trial in another Federal or State  
 Court, give name of court

☐ this person/proceeding is transferred from another  
 district per (circle one) FRCrP 20, 21 or 40. Show  
 District

☐ this is a re prosecution of  
 charges previously dismissed  
 which were dismissed on  
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a  
 pending case involving this same  
 defendant

☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding  
 this defendant were recorded under
SHOW  
DOCKET NO.MAGISTRATE  
CASE NO.
 Name and Office of Person  
 Furnishing Information on  
 THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y  
 (if assigned)

JEFFREY B. SCHENK

 Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.

JAVIER ESPINOZA

 RICHARD W. WIEKING  
 DISTRICT COURT NUMBER CLERK  
 U.S. DISTRICT COURT  
 NO. DIST. OF CALIF.

CR - 08 00375

DEFENDANT

## IS NOT IN CUSTODY

- 1)
- ☐
- Has not been arrested, pending outcome this proceeding.
- 
- If not detained give date any prior summons
- 
- was served on above charges
- 
- 2)
- ☐
- Is a Fugitive
- 
- 3)
- ☐
- Is on Bail or Release from (show District)

Northern District of California

## IS IN CUSTODY

- 4)
- ☐
- On this charge
- 
- 5)
- ☒
- On another conviction }
- ☐
- Fed'l
- ☒
- State
- 
- 6)
- ☐
- Awaiting trial on other }
- 
- charges

If answer to (6) is "Yes", show name of institution

 Has detainer }  
 been filed? ☐ Yes ☐ No } If "Yes"  
 give date

Month/Day/Year

DATE OF  
ARREST

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

DATE TRANSFERRED  
TO U.S. CUSTODY
☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 \*Where defendant previously apprehended on complaint, no new summons  
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: